



RESPONSES TO INFORMATION REQUESTS (RIRs)

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HND103661.E

Honduras: Agrarian reform, including the level of assistance, advice or representation available from non-governmental organisations or government agencies and treatment of persons affected by agrarian reform
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Conflicts related to land disputes

The Argentina Independent, a Buenos Aires-based, English-language newspaper that, among other objectives, aims to give a voice to charitable organizations in Argentina (*The Argentina Independent* n.d.), reported that an international mission of journalists and human rights observers have gone to the Bajo Aguán region in Honduras to investigate the situation of rural associations because of reports of "continued abuses" against farmers who are demanding their rights to land (ibid. 10 Dec. 2010). A member of the National Popular Resistance Front (Frente Nacional de Resistencia Popular), who is also a member of La Via Campesina, an international peasant movement (La Via Campesina 11 July 2007), stated that, in 2010, 25 farmers have been assassinated in the Bajo Aguán region (*The Argentina Independent* 10 Dec. 2010). The article also indicates that members of the Unified Movement of Aguán farmers are following through with a process to reclaim land that belongs to the government and falls under agrarian reform, but that was reportedly appropriated by other landowners (ibid.).

Similarly, the press agency Agencia EFE reports that, since November 2009, a "score" of mostly farmers have died in Bajo Aguán in "sporadic clashes" between landless peasants and security agents working for landowners (3 Dec. 2010). The EFE news report also indicates that one of these incidents took place on a palm plantation and that the government sent troops to the area afterwards "to disarm anyone they encounter[ed] with weapons" (Agencia EFE 3 Dec. 2010). Furthermore, the Mexican news agency NOTIMEX reports that, in December 2010, 40 peasants were killed by [translation] "hitmen and security guards hired by landowners" (27 Dec. 2010). The NOTIMEX article also cites the director of the Aguán Movement for Agrarian Reform (Movimiento del Aguán para la Reforma Campesina) as saying, that in December 2010, the military and police in service of the landowners, had surrounded about 3,700 peasant farmer families in the area (NOTIMEX 27 Dec. 2010).

Procedures for acquiring land

The National Agrarian Institute of Honduras (Instituto Nacional Agrario,

INA), a semi-autonomous government organization, indicates on its website that it [translation] "aims to make the land reform process comply with the national agricultural policy, which was established by the government to incorporate the rural population in the development of the nation" (Honduras n.d.b). The INA also indicates that farmers must meet the following requirements to be awarded land in accordance with Honduran agrarian reform law (*Ley de Reforma Agraria*):

[translation by the Translation Bureau]

Article 79: To be granted land under the Agrarian Reform, rural workers must meet the following requirements:

- a. Be a Honduran citizen by birth, male, 16 years of age or over if unmarried, or any age if married; or a single woman or widow with dependent family members.
- b. Do farm work as usual occupation.
- c. Not be a landowner or else be owner of a plot of land smaller than the size stated in Article 34.

Article 34: "For the purposes stated in Article 24, subsection d), any plot of land smaller than five (5) hectares is a microholding (*minifundio*). The National Agrarian Institute will formulate and implement a program aimed at gradually and progressively eradicating microholdings. To accomplish this, it will expropriate all land holdings necessary in order to regroup and award them in accordance with this article. Once regrouped, these lands will be awarded preferentially to those former owners who have put them to best use and who have demonstrated the greatest abilities in agricultural work. Those who have the largest number of dependents will be awarded land under the same conditions. If there is insufficient land for all the former microholders, the National Agrarian Institute will award them other land or will compensate them, as appropriate."

Article 80: Persons over 16 years of age who have been awarded land will be considered of legal age for the purposes of the administration of their land or of the cooperatives or business associations they take part in, and for the purpose of establishing chattel mortgages, obtaining loans and, in general, taking any action corresponding to a person of legal age, provided that such action is in direct relation to the object of this Act.

Article 81: Unless the contrary is specifically stated, land will be awarded in the following order of priority:

- a. Tenant farmers of different kinds (tenant, sharecropper, settler) and other persons indirectly involved in farming operations.
- b. Salaried farm workers.
- c. Female farm workers with dependent families.
- d. Male farm workers with dependent families.
- e. Persons who personally run farm operations on a land holding smaller than the size stated in Article 34.

In equal circumstances, preference will always be given to the person with the

largest number of dependents.

In accordance with the Act, land awarded under the Agrarian Reform is aimed at rural men and women who are not organized in any kind of rural workers' or peasants' association legally recognized by the national government. ...

If the application for land title is made by an individual, whether a woman or a man, it must meet the following **requirements**:

1. Be a Honduran citizen by birth, 16 years of age or over if unmarried, or any age if married or in a common law marriage; or be a single woman or widow with dependent family members.
2. Do farm worker as usual occupation.
3. Not be a landowner.
4. Have the intention to raise crops or breed livestock. (Honduras n.d.a)

On its website, the INA explains the application process for a farmer in what it calls the independent, reformed and ethnic sectors (Honduras n.d.i). The independent sector comprises producers who seek to peacefully legalize their cooperative or nationally - owned land (Honduras n.d.f). The first phase of the procedure for those in the independent sector acquiring land titles is managed by a regional office; it comprises the following steps:

[translation by the Translation Bureau]

Step 1: Desk Work

1. Land Title Department establishes priority work areas and develops working plans.
2. Head of Regional Agrarian Office reviews and authorizes working plans.
3. Land Titling Team prepares material necessary to implement the plan.

Step 2: Field Work

1. Developer carries out promotional campaign before the arrival of land title team.
2. Developer checks whether occupants of the land meet legal requirements to begin the process.
3. Surveyor carries out field inspections, checking technical and agronomic aspects and making appraisal.
4. Developer negotiates for of payment with applicants and gathers information from each file.

Step 3: Processing of Applications at Regional Office

1. Regional Secretariat receives, checks and processes applications.
2. Agrarian Land Register reviews and confirms land size, legal status and borders.
3. Regional Secretariat receives and checks the content of files.

4. Land Title Department carries out legal review of the applications and issues titles.
5. Regional Secretariat sends files and land titles to head office. (Honduras n.d.c.)

The second phase of the procedure for acquiring land titles in the independent sector is managed by the head office; it comprises the following steps:

[translation by the Translation Bureau]

Step 1: Receipt and Review of Applications

1. General Archive receives, checks and processes applications.

Step 2: Technical / Legal Review

1. Receipt and review of case files by Land Title Division: receives files and land titles, prepares a list of these and transcribes data.
2. Land Title Division checks whether files meet technical and legal requirements and enters information in database.

Step 3: Signature and Registration of Land Titles

1. General Secretariat approves procedural steps, signs certificates, decisions and titles in files that have previously been signed by the Office of the Executive Director.
2. Land Title Division obtains land titles from the Agrarian Register and then sends these to the regional offices for entry in the Land Register.
3. Office of the Executive Director delivers land titles to beneficiaries. (ibid.)

The reformed sector is defined by the INA as being comprised of peasants belonging to peasant business associations (Empresas Asociativas Campesinas), agricultural cooperatives (Cooperativas Agropecuarias), and informal groups who mainly work the land for their livelihood (Honduras n.d.g). The procedure for those in the reformed sector acquiring land titles comprises the following steps:

[translation by the Translation Bureau]

1. Peasant business presents application for land title.
2. Regional Secretariat accepts application and issues order to proceed.
3. Developer carries out socio-economic study.
4. Agronomist carries out field inspection.
5. Surveyor takes measurements and determines legal status of the land.
6. Agronomist evaluates the land.
7. Developer requests payment proposal.
8. Legal Services issues legal decision.
9. Land Title Division prepares final decision and title.
10. Office of Executive Director and General Secretary sign decision and title.

11. Land Title Division transcribes information to computer system.
12. Agrarian Register registers land title. (Honduras n.d.d)

The ethnic sector is defined by the INA as being comprised of nine official groups of indigenous and afro-Honduran citizens (Honduras n.d.h). The procedure for acquiring land titles in the ethnic sector comprises of the following steps:

[translation by the Translation Bureau]

1. Indigenous community presents application for land title.
2. Regional Secretariat accepts application and issues order to proceed.
3. Developer carries out census.
4. Agronomist carries out field inspection.
5. Surveyor takes measurements and determines legal status of the land.
6. Legal Services issues decision.
7. Regional Secretariat sends paperwork to the head office.
8. Office of the General Secretary receives and reviews paperwork and issues an order to continue the process.
9. Land Title Division prepares final decision and title.
10. Office of Executive Director and General Secretary sign decision and title.
11. Land Title Division transcribes information to computer system.
12. Agrarian Register registers land title. (Honduras n.d.e)

A professor of anthropology at Appalachian State University, who is an expert on rural communities sustainable development outreach in Central America and Appalachia, said in correspondence with the Research Directorate that, while the INA was established to "open up access to the growing numbers of landless / near landless peasants," it is now "doing very little," essentially just cadastral studies and land titles (Professor 7 Jan. 2011). He explained that, although the 1994 Modernization Law had not completely ended the 1975 Agrarian Reform Law, it had imposed a "moratorium" on its application except for ethnic and indigenous peoples (ibid.). Consequently, he said, the land titling procedures for the independent and reformed sectors that are posted on the INA's website "have seen very little action since even before 1994" (ibid.). He also explained that

[t]he land titling for individuals is to facilitate farmers to get loans, but it is for small farmers a double edged sword; as soon as their land has a title it becomes a commodity that can be traded, bought and sold, and the economic climate has been so negative for small farmers ... that once the land is titled they are often forced to sell it to larger interests. (ibid.)

However, The Canadian Press, a not-for-profit news agency (The Canadian Press n.d.), reported that the government of Honduras reached an agreement with 3,000 farm workers occupying commercial plantations by granting them 27,000 acres of land (14 Apr. 2010). The Canadian Press cites the Agrarian Reform Minister of Honduras as saying, the "deal constitutes the largest land grant to the poor in the history of the Central American nation" (14 Apr. 2010).

Assistance for farmers claiming land

The Honduran Access to Land Program (Programa de Acceso a la Tierra, PACTA) -- a government initiative managed by the INA and established in cooperation with the United Nation's Food and Agriculture Organization (PACTA n.d.b) -- indicates that its program [translation] "facilitates access to land, [and] gives the participating families the means (working capital, training, technology and commercialization assistance) to enable them to work productively and efficiently" (PACTA n.d.a).

In a 4 January 2011 telephone interview with the Research Directorate, the Secretary General of the Honduran Coordinating Council of Campesino Organizations (Consejo Coordinador de Organizaciones Campesinas de Honduras, COCOCH) --- an organization with a membership of "3,000 farmers' groups and cooperatives, rural enterprises, rural women's organizations, and small agricultural producers" (Grassroots International n.d.) --- said that there are no non-governmental organizations assisting people who are trying to claim land (COCOCH 4 Jan. 2011). The Secretary General added that COCOCH advocates in favour of a more comprehensive agrarian reform law to replace the old agrarian reform and agricultural modernization laws (ibid.).

When asked if NGOs play a role in assisting individual farmers who are claiming land, the Professor of Anthropology explained that

NGOs working with either the ... farmer-to-farmer movement for sustainable agriculture or with indigenous communities have, since the 1990s, occasionally helped rural people to petition land; but it has been peasant unions and not NGOs who have led the pressure push (through collective land occupations akin to the strike by a labour union) with INA, while simultaneously sending lawyers to make the legal case for acquiring land with the INA court system. But this has been all but shut down since 1994. (7 Jan. 2011)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The secretariat at Food First Information and Action Network (FIAN) and an associate professor of agricultural economics at Penn State University were unable to provide information for this response. Attempts to contact the director of grant making and advocacy at Grassroots International, an environmental engineer at Cornell University, a representative at the Honduran Association of Rural Women (Asociación Hondureña de Mujeres Campesinas, AHMUC), a representative at the Committee for the Defense of Human Rights in Honduras (Comité para la Defensa de los Derechos Humanos en Honduras, CODEH), the main investigator at the Latin American Center for Rural Development (Centro Latinoamericano para el Desarrollo Rural, RIMISP), a professor of agricultural and resource economics at the University of California, a representative at DanChurchAid in Denmark, a representative at the Honduras Access to Land Program (Programa de Acceso a la Tierra, PACTA), and a representative at the National Agrarian Institute (Instituto Nacional Agrario, INA) were unsuccessful.

Internet sites, including: European Country of Origin Information Network (ecoi.net); Freedom House; Gobierno de Honduras; Human Rights Watch; Inter-American Commission on Human Rights (IACHR); International Relations and Security Network (ISN), International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations' - Latin American Office (Rel-UITA); *In These Times* [Chicago]; *The Journal of Peasant Studies*; Latin Daily Financial News (LDFN); Parlamento Centroamericano; Rural Development Institute (RDI); Trocaire; United Nations Refworld; Upside Down World.

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